IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 11781 of 2005

Between:

1. Kadiala Srinivasulu, S/o.Anjaiah, Aged 63 years,
   R/o.D.No.1-3-46, Mypadu Village and Post,

Indukurpet Mandal, Nellore District.
2. Gampala Venkata Subbamma, W/o.Masthanaiah,
   Aged 46years, R/o.;D.No.1-2-85, Mypadu Village and Post,

Indukurpet Mandal, Nellore District.
3. Goli Koteswara Rao, S/o.Nageswara Rao, Aged 42 years,
   R/o.D.No.1-2-88, Mypadu Village and Post,

Indukurpet Mandal, Nellore District.
4. Avveri Narsaiah, S/o.Lakshmiah, Aged 47 years,
   R/o.D.No.1-2-50, Mypadu Village and Post,

Indukurpet Mandal, Nellore District.
5. Avveri Mallikarjuna, S/o.Lakshamaiah, Aged 52 years,
   R/o.D.No.1-2-86, Mypadu Village and Post,

Indukurpet Mandal, Nellore District.
6. Pappu Suryakantham, W/o. Venkaiah, Aged 68 years,
   R/o.D.No.1-2-45, Mypadu Village and Post,

Indukurpet Mandal, Nellore District.

PETITIONER(S)

AND

1 The Assistant Executive Engineer,

R & B Roads Section, Nellore, Nellore District.
2 The Mandal Revenue Officer,

Indukurpet Mandal, Indukurpet, Nellore District.

RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein, the High Court will be pleased to issue a writ , order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in demolishing the petitioners dwelling houses bearing D.Nos.1-3-46 of 1st Petitioner,1-2-85 of 2nd petitioner,1-2-88 of 3rd petitioner,1-2-50 of 4th petitioner, 1-2-86 of 5th petitioner, 1-2-45 of 6th petitioner respectively situated in Mypadu Village, Indukurpet Mandal, Nellore district, without following due process of law, is illegal, arbitrary, violative of Article 14, 21 and 300-A of the Constitution of India and consequently direct the respondents not to demolish the dwelling houses of the petitioners without following due process of law and pass such other order or orders.

Counsel for the Petitioner: MR.S.LAKSHMINARAYANA REDDY

Counsel for the Respondent No.1&2: GP FOR ROADS & BUILDINGS

& G.P. for Revenue respectively

The Court at the admission stage, made the following :

ORDER:

The case of the petitioners is that they are the absolute owners of the respective houses having purchased by way of registered sale deeds in the year 1976 and there was 40' wide road from Ravur to their village Myapadu, after which there is no village. While so, it is stated that the second respondent on the instruction of the first respondent fixed a date for eviction of encroachments and that the land width required is 60' in Myapadu and 40' in Narsapuram and Revuru village, which according to the petitioners is not necessary in place of existing 40' road. Therefore, the 2nd respondent visited the village and fixed the marks on their dwelling houses for demolition, without causing any notice on them and taking hectic steps to demolish the houses. Therefore, seeking the above prayer, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Roads and Buildings.

The issue involved in this writ petition is no more *res integra* in view of the guidelines issued by a Division Bench of this court in *Pilli Lakshmana Rao and others Vs. Executive Officer, Gram Panchayath, Challapalle and others ()*, wherein it is held that when any property is required for public purpose, the authorities straightaway cannot take the law into their hands and jump into the premises and attempt to evict the occupants or dispossess them or demolish their property. Before taking any such action, the authorities concerned shall issue a notice notifying as to the nature of the property, the purpose for which it is required, to whom it belongs and the action proposed calling for explanation or objections, if any, from the occupants and after considering the said objections or explanation, the authorities shall pass appropriate orders.

Having regard to these guidelines, the respondents are directed to follow the guidelines issued in *Pilli Lakshmana Rao* case, if they intend to demolish the dwelling houses of the petitioners, as averred in the affidavit, if not already demolished.

With these directions, the writ petition stands disposed of. No order

as to costs.

Elipe Dharma Rao, J.

June 6, 2005

MAS.

To:

1. The Assistant Executive Engineer,

R & B Roads Section, Nellore, Nellore District.

2 The Mandal Revenue Officer,

Indukurpet Mandal, Indukurpet, Nellore District.

3. 2 Copies each to the Govt. Pleader for Roads & Buildings, &

Revenue, High Court Buildings, Hyderabad(OUT)

4. 2 CD copies.

*Form-NIC-OGS/WP{**TRR**}*